desirable to amend the Regulation providing a clause therein, giving power to Government to impose suitable restrictions while giving back possession in such cases. Government therefore propose that a clause may be added to this Section.

The Regulation also contemplates several kinds of acts to be undertaken by Muzrai Officers such as management of properties of the Mutts, management of properties belonging to other Charitable Institutions, the conduct of enquiries, etc. It is usual in legislation of this kind to put in a clause giving proper protection to Government Officers in the *bonafide* discharge of their duties. Government propose therefore that a new section containing this provision be inserted after Section 40 A as Section 40 B of the said Regulation.

No. 4703—L. C., Bangalore, dated 27th May 1936.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to make provision for the setting up of Debt Conciliation Boards in Mysore to relieve agriculturists from indebtedness is published for general information with the statement of objects and reasons.

By Order,
C. SUBRAHMANYA AIYAR,
Secretary,
Mysore Legislative Council.

A Bill to make provision for the setting up of Debt Conciliation Boards in Mysore to relieve agriculturists from indebtedness.

Preamble. Whereas it is expedient to relieve agriculturists from indebtedness by amicable settlement between them and their creditors;

It is hereby enacted as follows:—

Short title, extent and commencement. 1. (1) This Regulation may be called the Mysore Debt Conciliation Regulation 193—

(2) It extends to the whole of Mysore.

(3) It shall come into force in such areas and on such dates as the Government may, by notification in the Official Gazette, direct.

Definition.

2. In this Regulation unless there is anything repugnant in the subject or context.

(*a*) the expressions "holder," "holding," "tenant" and "village" shall have the meaning assigned to them in the Mysore Land Revenue Code, 1888;

(*b*) "agriculture" includes horticulture, the use of land for any purpose of husbandry inclusive of the keeping or breeding of live-stock, poultry or bees, sericulture and the growing of fruits, vegetables and the like;

(*c*) "Board" means a Debt Conciliation Board established under sub-section (1) of section 3;

(*d*) "creditor" means a person to whom a debt is owing and includes a co-operative society;

(*e*) "debt" includes all liabilities owing to a creditor, in cash or kind, secured or unsecured, whether payable under a decree or order of a civil court or otherwise, whether mature or not, but shall not include arrears of wages, land revenue or anything recoverable as an arrear of land revenue, rent as defined in the Mysore Land Revenue Code, 1888, or any money for the recovery of which a suit is barred by limitation;

(*f*) "debtor" means a person—

(i) who earns his livelihood mainly by agriculture or who is a holder, whether he cultivates the land personally or otherwise; and

(ii) whose debts exceed one hundred rupees.

(*g*) "prescribed" means prescribed by rules made under this Regulation;

(*h*) "secured debt" includes mortgage debt or any debt for which there is security, lien or charge on immovable property created by deed, statute or otherwise;

(*i*) "secured creditor" means a creditor who holds for his debt a security by way of mortgage, lien or charge on immovable property created by a deed, statute or otherwise.

Establishment of Debt Conciliation Boards.

3. (1) The Government may establish a Debt Conciliation Board for any district or part of a district. Such board shall consist of a Chairman and two members appointed by the Government, which may, for reasons to be recorded in writing, cancel any appointment or dissolve any Board.

(2) The Chairman and every member of a board so established shall be appointed for a term not exceeding

three years. Such Chairman or member may, on the expiration of the period for which he has been appointed, be again appointed for a further term not exceeding three years.

(3) A board shall have such quorum as may be prescribed.

(4) Where the Chairman and members of a board are unable to agree, the opinion of the majority shall prevail. Where the Board is equally divided, the Chairman shall have a casting vote.

(5) When a board is dissolved or otherwise ceases to exist, the Government may, at any time establish another board for the area for which the former board was established and may declare the board newly established to be the successor in office of the board which has ceased to exist and such board shall exercise all the powers under the Regulation.

Application for settlement between debtor and his creditors.

4. (1) A debtor may make an application for the settlement of his debts to the board established for the local area within which he ordinarily resides, or if no board has been established for that local area, to the board established for any local area in which he holds immovable property, if any, but he shall not apply to more than one board.

(2) Unless the debtor has already made an application under sub-section (1), any of his creditors may make an application to a Board to which the debtor might have applied under that sub-section.

(3) If applications for the settlement of the debts of the same debtor are made to more than one board, such applications shall, in accordance with rules made under this Regulation, be transferred to and dealt with by one board as one single application.

Verification of application.

5. Every application to a board shall be in writing and shall be signed and verified in the manner prescribed by the Code of Civil Procedure, 1911, for signing and verifying plaints.

Particulars to be stated in application.

6. (1) Every application made by a debtor to a board shall contain the following particulars, namely :—

(*a*) a statement that the debtor is unable to pay his debts;

(*b*) the place where he resides;

(*c*) the amount and particulars of all claims against him together with the names and residences of his credi-

tors and, in the case of a creditor who is a minor or a lunatic, the name of his guardian or the person in whose charge the property of such creditor is, so far as they are known to, or can, by the exercise of reasonable care and diligence, be ascertained by him ; and

(*d*) particulars of the debtor's property, both movable and immovable (including claims due to him), a specification of the value thereof and of the places where the same may be found and details of any mortgage, lien or charge subsisting thereon.

(2) Every application made by a creditor shall contain the following particulars, *viz.*,

(*a*) the place where the debtor resides ; and

(*b*) the amount and particulars of his claim against such debtor.

Rejection of application.

7. The application shall be rejected if it does not comply with any of the requirements mentioned in sections 5 and 6.

The rejection of an application under this section shall not preclude the applicant from making a fresh application.

Procedure on application.

8. (1) On receipt of an application under section 4, the board shall unless it rejects the application under section 7 pass an order fixing a date and place for hearing the application.

(2) Notice of the order under sub-section (1) shall be sent by registered post to the debtor and creditors.

(3) If the application is made by a creditor, the debtor shall, on his appearance, furnish the particulars mentioned in sub-section (1) of section 6 and notice shall be sent to all the creditors specified by him.

Dismissal of application.

9. An application under section 4 may be dismissed by the board at any stage of the proceeding.

(*a*) if, for reasons to be stated in writing the board does not consider it desirable or practicable to effect a settlement of debts ; or

(*b*) if, in the opinion of the board, the applicant fails to pursue his application with due diligence ;

Provided that, when such applicant is a creditor, the board, instead of dismissing such application, may substitute the debtor or any other creditor, who shall thereafter be deemed to be the applicant for the purposes of this Regulation ; or

(c) if the application includes a claim which, in the opinion of the board, is collusive and intended to defraud any creditor.

Notice calling upon creditors to submit statements of debts.

10. (1) If, after examining the debtor, it is in the opinion of the board desirable to attempt to effect a settlement between him and his creditors, a notice shall be issued and served or published in the manner prescribed, calling upon every creditor of the debtor to submit a statement of debts owed to such creditor by the debtor. Such statement shall be in writing and shall be signed and verified in the manner prescribed by the Code of Civil Procedure, 1911, for signing and verifying claims and shall be submitted to the board within two months from the date of service or publication of the notice as the case may be;

Provided that, if the board is satisfied that any creditor was, for good and sufficient cause, unable to comply with such directions, it may extend the period for the submission of his statement of the debt owed to him.

(2) Subject to the provisions of sub-section (3) every debt of which a statement is not submitted to the board in compliance with the provisions of sub-section (1) shall be deemed for all purposes and all occasions to have been duly discharged.

(3) If a creditor proves to the satisfaction of the board or a civil court that the notice was not served on him or that he had no knowledge of the publication thereof or that for some other sufficient reason, he was unable to submit the statement, the board or court may revive the debt, if the creditor files an application in that behalf within two months after he becomes aware of the proceedings taken under this section;

Provided that creditor shall not be entitled to apply under this sub-section to the board and to a civil court simultaneously or to apply to either the board or a civil court after having applied to the other.

Procedure on submission of statement of debts.

11. (1) Every creditor submitting a statement of the debts owed to him in compliance with a notice issued under sub-section (1) of section 10 shall furnish, along with such statement full particulars of all such debts and shall at the same time produce all documents, including entries in books of account on which he relies to support his claims, together with a true copy of every such document.

(2) The board shall, after marking for the purpose of identification every original document so produced and verifying the correctness of the copy, retain the copy and return the original to the creditor.

(3) If any document which is in the possession or under the control of the creditor is not produced by him as required by sub-section (1) the document shall not be admissible in evidence against the debtor in any suit brought by the creditor or by any person claiming under him for the recovery of the debt;

Provided that the board or the court shall have power to excuse for valid reasons any default or delay in producing the document and to grant reasonable time for producing the same in any proceeding pending before it.

Power of board to decide dispute as to the existence or amount of debts or assets.

12. (1) The Board shall call upon the debtor and each creditor respectively to explain his case regarding each debt.

(2) If there is a dispute as to the existence or the amount of the debt due to any creditor or the assets of any debtor the board may decide the matter after taking such evidence as may be adduced by all the parties concerned and such decision shall be binding on all parties in all proceedings before the board;

Provided that a decree of a civil court relating to a debt shall be conclusive evidence as to the existence and amount of the debt.

(3) The board shall prepare a complete schedule of the creditors and of the assets and liabilities of the debtor.

Power of board to require attendance of persons and production of documents.

13. (1) Subject to rules made under this Regulation, a board may exercise all such powers connected with the summoning and examining of parties and witnesses and with the production of documents as are conferred on a civil court by the Code of Civil Procedure, 1911.

(2) Any person present may be required by a board to furnish any information or to produce any document then and there in his possession or power.

Agreement of amicable settlement, its registration and effect.

14. (1) If the creditors to whom more than 50 per cent of the total amount of the debtor's debts is owing come to an amicable settlement with the debtor, such settlement shall forthwith be reduced to writing in the form of an agreement recording the amounts payable to such creditors and the manner in which and the times at which they are to be paid. Such agreement, if considered

equitable by the board, shall be read out and explained to the parties concerned, and shall be signed or otherwise authenticated by the board and the parties who have agreed to the amicable settlement;

Provided that, when a co-operative society is one of such creditors, no settlement, in so far as it affects the debts owing to such society, shall be valid without the previous approval in writing of the Registrar of Co-operative Societies in Mysore.

(2) An agreement made under sub-section (1) shall, within thirty days from the date of the making thereof, be registered under the Mysore Registration Regulation, 1903, by the Chairman of the Board in such manner as may be prescribed and it shall then take effect as if it were a decree of a civil court, and be executable as such.

(3) For the purpose of the registration of an agreement under sub-section (2), the Chairman of the board shall be deemed to be an officer of Government empowered to execute such agreement within the meaning of section 88 of the Mysore Registration Regulation, 1903.

(4) If, after the making of an agreement under sub-section (1), any debt is revived by the board or a civil court under sub-section (3) of section 10, the agreement and all proceedings taken in pursuance thereof shall stand cancelled; the application under section 4 shall be deemed to have been received in the office of the board on the date of such revival; and all the provisions of this Regulation shall apply in respect of the application accordingly.

Properties exempt from attachment not to be taken into account.

15. In any scheme of debt conciliation under this Regulation such properties as are exempt from attachment under the Code of Civil Procedure, 1911, shall not be taken into account and shall be left to the judgment debtor free from any liability for his debts.

Maximum amount allowable in satisfaction of a debt.

16. In any scheme of debt conciliation under this Regulation, no creditor shall be allowed a greater amount in satisfaction of both principal and interest than twice the amount of the principal and if the debt was incurred before the first day of—twice the amount due on the said date.

Power of board to dismiss application.

17. If no amicable settlement is arrived at under sub-section (1) of section 14 within 12 months from the date of the application under section 4, the board shall dismiss the application.

Recovery of sums due under agreement.

18. (1) If a debtor defaults in paying any amount due in accordance with the terms of an agreement registered under sub-section (2) of section 14, such amount shall be recoverable as an arrear of land revenue on the application of the creditor made to the Deputy Commissioner within ninety days from the date of default.

(2) Where the Deputy Commissioner fails to recover as an arrear of land revenue any part of such amount, he shall certify that it is irrecoverable and thereupon the agreement shall cease to subsist.

(3) Where an agreement ceases to subsist, any amount which was payable under such agreement but has not been paid shall be recoverable as if a decree of a civil court had then been passed for its payment.

Grant of certificate by board in respect of certain debts.

19. (1) Where, during the hearing of any application made under section 4, any creditor refuses to agree to an amicable settlement, the board shall, if it is of opinion that the debtor has made such creditor a fair offer which the creditor ought reasonably to accept, grant the debtor a certificate, in such form as may be prescribed in respect of the debts owed by him to such creditor.

The board, in coming to a decision whether the offer made is fair or not, may take into consideration—

(i) the fall or rise in the value of land and its produce, in the locality;
(ii) the amount of consideration actually received;
(iii) the reasonableness of the rates of interest;
(iv) the onerous conditions, if any, subject to which the loan was granted;
(v) whether at any time, the creditor or the debtor was offered settlement of the debt in full or part and if so what the terms were; and
(vi) any other particulars which the board thinks it desirable to take into account.

Power of court to disallow cost or interest.

(2) Where any creditor sues in a civil court for the recovery of a debt in respect of which a certificate has been granted under sub-section (1), the court shall, notwithstanding the provisions of any law for the time being in force, not allow the plaintiff any costs in such suit, or any interest on the debt after the date of such certificate in excess of simple interest at 6 per cent per annum on the principal amount due on the date of such certificate.

Decrees in suits after registration of agreement not to be executed.

(3) Where after the registration of an agreement under sub-section (2) of section 14, any unsecured creditor sues for the recovery of a debt (other than a debt incurred subsequent to such agreement) in respect of which a certificate has been granted under sub-section (1) or any creditor sues for the recovery of a debt incurred after the date of such agreement, any decree passed in such suit shall, notwithstanding anything contained in the Code of Civil Procedure, 1911, not be executed as against the assets if any, set apart in the agreement for the satisfaction of the agreed debts until all amounts recorded as payable under such agreement have been paid.

Bar of Civil Suits.

20. No civil court shall entertain—

(*a*) any suit in respect of

(i) any matter pending before a board; or

(ii) the validity of any procedure or the legality of any agreement made under this Regulation; or

(iii) the recovery of any debt recorded as wholly or partly payable under an agreement registered under sub-section (2) of section 14 from any person who, as a debtor, was party to such agreement whether such agreement is subsisting or not; or

(iv) the recovery of any debt which has been deemed to have been duly discharged under sub-section (2) of section 10 except a debt which is revived under sub-section; (3) of that section.

(*b*) any application to execute a decree the execution of which is suspended under sub-section (3) of section 19.

Avoidance of certain transfers of debtor's property.

21. Every transfer of property made, with intent to defeat or delay the creditors of the debtor, after an application has been made to a board under section 4 and until the agreement registered in respect of such application has ceased to subsist, shall be voidable at the option of any creditor so defeated or delayed.

Alienation made with sanction of board not to be considered as a fraudulent preference.

22. Any alienation of land for a fair price made with the sanction of the board in pursuance of or to carry out the agreement mentioned in section 14 shall not be considered as a fraudulent preference under the Mysore Insolvency Regulation, 1925 nor shall such alienation be voidable under section 53 of the Transfer of Property Regulation, 1918.

23. No appeal or application for revision shall lie against any order passed by a board. Bar of appeal or revision.

24. A board may, on the application from any person interested made within ninety days of the passing of an order, review any order passed by it and pass such order in reference thereto as it thinks fit. Power of board to review its order.

Provided that no order shall be varied or reversed unless notice has been given to the persons interested to appear and be heard in support of such order.

25. In any proceedings before a board, any party may appear in person or with the permission of the board by a legal practitioner or an agent authorised in writing. Appearance of party before board by agent by legal practitioner.

26. When an application has been made to a board under section 4, any suit or other proceedings then pending before a civil court in respect of any debt for the settlement of which application has been made shall be suspended until the board has dismissed the application. Suspension of pending application or suit.

27. Where in the course of an inquiry into an application made under section 4 a board finds that there is any sum owing to Government on account of loans advanced under the Land Improvement Loans Regulation 1890 or otherwise, the board shall report this fact through the Deputy Commissioner to the Revenue Commissioner in Mysore. Submission of reports by boards regarding sums due to Government.

28. (1) In calculating the period of limitation for any suit filed in, or proceedings before, a civil court for the recovery of a debt which was the subject of any proceedings under this Regulation the time during which such proceedings were pending as well as the time taken for the obtaining of certified copies of the order of the board shall be excluded. Computation of period of limitation for suits and proceedings.

(2) The period during which proceedings under this Regulation have been pending including the actual period fixed in the agreement for payment of all the debts shall, in all suits filed or proceedings taken, in civil courts to recover debts, be excluded from computation under section 48 of the Code of Civil Procedure, 1911 or under the Mysore Limitation Regulation, 1911.

29. The members of a board shall be deemed to be public servants within the meaning of the Indian Penal Code as in force in Mysore. Members of board deemed to be public servants.

30. In addition to any power specially conferred by this Regulation, the Government may make rules— Power to make rules.

(*a*) prescribing the quorum for, and regulating the procedure before a board;

(*b*) prescribing the manner in which notices shall be issued and served or published under sub-section (1) of section 10;

(*c*) prescribing the charges to be made by a board for anything done under this Regulation and the persons by whom and the manner in which such charges shall be paid;

(*d*) prescribing the records to be kept and the returns to be made by a board;

(*e*) prescribing the allowances, if any, to be paid to the Chairman and members of a board;

(*f*) regulating the power of a board to summon parties and witnesses under section 13 and the grant of expenses to witnesses;

(*g*) prescribing the place at which and the manner in which an agreement shall be registered under sub-section (2) of section 14;

(*h*) prescribing the form of certificate to be granted under sub-section (2) of section 18 or sub-section (1) of section 19; and

(*i*) generally, for the purpose of carrying into effect the provisions of this Regulation.

General provisions regarding rules.

31. (1) All rules for which provision is made in this Regulation shall be made by Government and shall be consistent with this Regulation.

(2) All rules shall be subject to the condition of previous publication.

(3) In making any rule, Government may direct that a breach thereof shall be punishable with fine which may extend to fifty rupees, and, where the breach is a continuing one, with further fine which may extend to ten rupees for every day after the first during which the breach has been persisted in.

Statement of Objects and Reasons.

The Committee appointed by the Government in 1934 to consider measures of relief to the agriculturists to tide over the economic depression, recommended, among other measures, the reduction of agricultural debts by conciliation between the debtors and the creditors. In accepting the recommendation, the Government have come to the conclusion that a scheme of debt conciliation on a voluntary basis may be introduced. For implementing this, the Government propose to introduce a Bill to make provision

for the setting up of Conciliation Boards to relieve agriculturists' indebtedness on the line of the Acts which have been passed in the Central Provinces and Madras. The main provisions of the Bill are as follows:—

This measure applies to agriculturists who earn their living mainly by agriculture and whose debts exceed Rs. 100.

It provides for the appointment of Debt Conciliation Boards consisting of a Chairman and two members appointed by the Government who shall hold office for a period of three years.

Any creditor or debtor who wants the intercession of the board may apply to it.

Notice is sent to the creditors and the debtor and the creditor are brought face to face with each other.

The board tries to persuade the parties to come to an amicable settlement. If the creditors to whom not less than 50 per cent of the debts are due and the debtor agree to a settlement, that agreement is recorded by the board and registered and it has got the same effect as a decree of a civil court.

The amounts due under the agreement if not paid, shall be recoverable by the Deputy Commissioner as an arrear of land revenue. If they are not so recovered, the amount may be recovered as if a decree of a civil court had been passed for its payment.

In case there is no settlement and the creditor is responsible for refusing to agree to an amicable settlement, the board shall, if it is of opinion that the debtor has made a fair offer, grant the debtor a certificate in respect of the debts owed by him to such creditor. If the creditor subsequently sues in a court for the recovery of a debt in respect of which a certificate has been granted, the court shall not allow the creditor costs of the suit or interest at more than 6 per cent after the date of such certificate.

Further, if after the registration of an agreement any unsecured creditor sues for the recovery of a debt, any decree passed in such a suit shall not be executed as against the assets of the debtor set apart in the agreement until all the amounts regarded as payable under such an agreement have been paid.

Even those creditors who are not inclined to agree to an amicable settlement will be induced to agree, since otherwise they will not get any relief until all those who

have agreed obtain relief. There are provisions in the Bill which act as deterrents to creditors who refuse to be accommodative and as inducements to those who are helpful.

The jurisdiction of a civil court is barred in respect of any matter pending before the board.

Any order passed by the board will be final.

No. 4689—L. C., Bangalore, dated 27th May 1936.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to regulate the employment of women in factories sometime before and sometime after confinement and to provide for the payment of maternity benefit to them is published for general information with the statement of objects and reasons.

By Order,
C. SUBRAHMANYA AIYAR,
Secretary,
Mysore Legislative Council.

Bill to regulate the Employment of Women in Factories sometime before and sometime after Confinement and to provide for the Payment of Maternity Benefit to them.

Whereas it is expedient to regulate the employment of women in factories sometime before and sometime after confinement and to provide for the payment of maternity benefit to them in the manner hereinafter provided: It is hereby enacted as follows:—

Short title. 1. This Regulation may be called the Mysore Maternity Benefit Regulation, 193 .

Extent and operation. 2. (1) It extends to the whole of Mysore.

(2) It shall come into operation on the first day of

Definitions. 3. In this Regulation, unless there is anything repugnant in the subject or context—

(*a*) "Employer" includes an occupier of a factory as defined in the Mysore Factories Regulation, 1936, and the manager of a factory.